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HEATHER FONG AND JESSE SERNA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCO MAESTRINI,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, a municipal corporation;  
HEATHER FONG, in her capacity as  
Chief of Police for the CITY AND  
COUNTY OF SAN FRANCISCO; JESSE  
SERNA, individually, and in his capacity  
as a police officer for the CITY AND  
COUNTY OF SAN FRANCISCO; and,  
San Francisco police officers DOES 1-25,  
inclusive,

Defendants.

Case No. C 07-2941 PJH

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND THE TIME FOR  
COURT-ORDERED MEDIATION**

The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
modification of the Court's December 20, 2007 Order To Extend Time For Court-ordered Mediation  
to extend by 60 days the time for Court-ordered mediation based on the following circumstances:

1. The Court in its September 28, 2007 Case Management Order ordered the parties to  
mediation within 120 days.

2. Pursuant to the stipulation of the parties, with the concurrence of Court-appointed mediator Christopher Johns, the parties requested time for discovery that would be necessary in order for mediation to be beneficial. The Court extended the deadline for mediation to March 25, 2008.

3. During a telephone conference on March 11, 2008, with the mediator, Deputy City Attorney David B. Newdorf and Plaintiff's counsel John L. Burris agreed that additional time would be beneficial to prepare for the mediation. Specifically, plaintiff is seeking additional personnel records of the police officer defendant and both parties need to conduct depositions.

4. Subject to the Court's approval, the mediator scheduled the mediation of this case for May 20, 2008.

5. Other than as stated above, there have been no other modifications to the Case Management order. The trial of this matter is set for February 2, 2009. No other dates will be affected by this change.

STIPULATED AND AGREED:

Dated: March 12, 2008

DENNIS J. HERRERA  
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JOANNE HOEPER  
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DAVID B. NEWDORF  
SEAN F. CONNOLLY  
Deputy City Attorneys

By: \_\_\_\_\_/s/  
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CITY AND COUNTY OF SAN FRANCISCO,  
HEATHER FONG AND JESSE SERNA  
DENNIS J. HERRERA

LAW OFFICE OF JOHN L. BURRIS  
JOHN L. BURRIS  
BENJAMIN NISENBAUM

By: \_\_\_\_\_/s/  
BENJAMIN NISENBAUM  
Attorneys for Plaintiff  
MARCO MAESTRINI

**ORDER**

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the deadline for Court-ordered mediation in this case is continued to May 27, 2008.

DATED: \_\_\_\_\_

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Hon. Phyllis J. Hamilton  
U.S. District Judge